

**TOWN OF BIG FLATS
ZONING BOARD OF APPEALS
MEETING MINUTES**

JULY 28, 2015

Town Hall
Meeting Room
7:00pm

Members Present – Don Williams, Heather Hanson, Diane Lantz, Dave Robbins, Dick Seely

Members Absent – None

Staff Present- Tim Gilbert, Brenda Belmonte

Guests – Jamie Gensel, Martin Marino

Minutes

June 23, 2015

Motion by Hanson, seconded by Seely, to approve the minutes of June 23, 2015, Discussion, None, Motion Carries 5-0.

**PUBLIC HEARING
ELMIRA FITNESS CENTER
SING SING ROAD
TAX PARCEL #57.03-2-4**

Williams opened the public hearing at 7:01pm noting it had been duly published in the Star Gazette.

Speaking for: None

Speaking against: None

Public Hearing closed at 7:04pm

Discussion:

Criteria Review:

Whether an undesirable change will be produced in the character of the neighborhood
Williams, Pass; Hanson, Pass; Lantz, Pass; Robbins, Pass; Seely, Pass

Whether the benefit sought by the applicant can be achieved by some other method
Williams, Fail; Hanson, Fail; Lantz, Fail; Robbins, Fail; Seely, Fail

Whether the requested variance is substantial

Williams, Fail; Hanson, Fail; Lantz, Fail; Robbins, Fail; Seely, Fail

Whether the proposed variance will have an adverse effect on the neighborhood

Williams, Pass; Hanson, Pass; Lantz, Pass; Robbins, Pass; Seely, Pass

Whether the alleged difficulty of compliance was self-created

Williams, Fail; Hanson, Fail; Lantz, Fail; Robbins, Fail; Seely, Fail

PUBLIC HEARING
SIMMONS ROCKWELL
784 COUNTY ROUTE 64
TAX PARCEL #67.02-1-4

Chair Williams opened the public hearing at 7:09pm noting it had been duly published in the Star Gazette.

Speaking for: None

Speaking against: None

Public hearing closed at 7:10pm

Discussion:

Criteria Review:

Whether an undesirable change will be produced in the character of the neighborhood

Williams, Pass; Hanson, Pass; Lantz, Pass; Robbins, Pass; Seely, Pass

Whether the benefit sought by the applicant can be achieved by some other method

Williams, Pass; Hanson, Fail; Lantz, Pass; Robbins, Pass; Seely, Pass

Whether the requested variance is substantial

Williams, Fail; Hanson, Fail; Lantz, Fail; Robbins, Fail; Seely, Fail

Whether the proposed variance will have an adverse effect on the neighborhood

Williams, Pass; Hanson, Pass; Lantz, Pass; Robbins, Pass; Seely, Pass

Whether the alleged difficulty of compliance was self-created

Williams, Fail; Hanson, Fail; Lantz, Fail; Robbins, Fail; Seely, Fail

**RESOLUTION ZBA-04-2015
ELMIRA FITNESS CENTER AREA VARIANCE (HEIGHT) – GRANTED
SING SING ROAD
TAX PARCEL # 57.03-2-4**

Resolution by: Seely
Seconded by: Robbins

WHEREAS, the Town of Big Flats Zoning Board of Appeals received a request for an Area Variance (height) on May 15, 2015; and

WHEREAS, the Town of Big Flats Planning Board forwarded the referral to the Town of Big Flats Zoning Board of Appeals for their determination with a favorable recommendation; and

WHEREAS, the Town of Big Flats Planning Staff provided a staff report dated June 16, 2015; and

WHEREAS, This board reviewed the typical criteria questions regarding this request as seen in the ZBA minutes for the July 28, 2015 meeting; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Zoning Board of the Town of Big Flats has referred to the Chemung County Planning Board as an involved agency; and

NOW THEREFORE BE IT RESOLVED, this board held a public hearing on this date Tuesday July 28, 2015 and made a negative declaration in regards to SEQRA 6 NYCRR Part 617;

FURTHER RESOLVED, this board granted Final approval of the Area Variance Request by Elmira Fitness Center 3162 Lake Rd. Horseheads, NY to provide 5'ft 6" in. relief from BFZL 17.16.020(A)(1), Maximum Allowable Height 35' with the following condition:

- That a written approval from FAA regarding building height be submitted to the Town of Big Flats Planning office prior to a building permit being issued.

Dated: Tuesday, July 28, 2015
BIG FLATS, NEW YORK

By order of the Zoning Board of Appeals of the Town of Big Flats
Don Williams
Chairman, Zoning Board of Appeals

RESOLUTION ZBA-2015-5
SIMMONS ROCKWELL SIGN VARIANCE (GRANTED)
784 COUNTY ROUTE 64
TAX PARCEL # 67.02-1-4

Resolution by: Robbins
Seconded by: Seely

WHEREAS, the Zoning Board of Appeals of the Town of Big Flats received an application from Simmons Rockwell, owner of tax parcel #67.02-1-4, for relief from Section 17.52 of the Town of Big Flats Zoning Law, Signs; and

WHEREAS, the Town of Big Flats Planning Board returned the referral to the Town of Big Flats Zoning Board of Appeals for their determination with a recommendation the board grant said variance; and

WHEREAS, the request was forwarded to the Chemung County Planning Board for their review and returned with a recommendation for local determination; and

WHEREAS, the Town of Big Flats Code Enforcement staff provided a staff report dated June 16, 2015; and

WHEREAS, the variance request as submitted is to increase the “number of freestanding signs permitted for a parcel”, by adding a third (49.91sf) freestanding sign; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Zoning Board of Appeals of the Town of Big Flats has conducted an uncoordinated review as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff report dated June 16, 2015, pertaining to the review and evaluation of the proposed action; and

WHEREAS, this board has evaluated potential impacts to public health, safety and general welfare; and

WHEREAS, on the basis of materials submitted by the applicant, this board finds criteria #1, BFZL 17.60.120-B, to pass; and

WHEREAS, on the basis of materials submitted by the applicant, this board finds criteria #2, BFZL 17.60.120-B, to pass; and

WHEREAS, on the basis of materials submitted by the applicant, this board finds criteria #3, BFZL 17.60.120-B, to pass; and

WHEREAS, on the basis of materials submitted by the applicant, this board finds criteria #4, BFZL 17.60.120-B, to pass; and

WHEREAS, on the basis of materials submitted by the applicant, this board finds criteria #5, BFZL 17.60.120-B, to pass; and

WHEREAS, this board held a public hearing on July 28, 2015;

NOW THEREFORE BE IT RESOLVED the Zoning Board of Appeals of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant impact on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration.

Request to be considered: AYES: Williams, Seely, Hanson, Robinson, Lantz

NAYS:

ABSTAINED:

Dated: Tuesday, July 28, 2015

BIG FLATS, NEW YORK

By order of the Zoning Board of Appeals of the Town of Big Flats
Don Williams

Motion to adjourn at 7:19pm by Robbins, seconded by Hanson, Discussion, None, Motion Carries, 5-0.

Adjourned at 7:20pm